

(ACT 550)

**PUBLIC OFFICE HOLDERS (DECLARATION OF ASSETS AND DISQUALIFICATION)
ACT 1998**

Section 1-Declaration of Assets and Liabilities by Public Office Holders

(1) A person who holds a public office mentioned in section 3 of this Act shall submit to the Auditor-General a written declaration of—

(a) all properties or assets owned by him; and

(b) all liabilities owed by him; whether directly or indirectly.

(2) The declaration shall be made on the form provided in Schedule II to this Act.

(3) It shall be the responsibility of the officers required to make the declaration under this Act to obtain the forms from the office of the Auditor-General.

(4) The declaration shall be made by the public officer—

(a) before taking office;

(b) at the end of every four years; and

(c) at the end of the term of his office and shall in any event be submitted not later than 6 months of the occurrence of any of the events specified in this subsection.

Section 2-Declaration of Assets and Liabilities by the Auditor-General.

(1) The Auditor-General shall make a written declaration on the forms of his assets and liabilities to the President.

(2) Subject to subsection (1) of this section, the provisions of this Act shall apply equally to the Auditor-General.

Section 3-Public Offices Subject to this Act.

The public offices to which this Act applies are those specified in Schedule I to this Act.

Section 4-Properties Subject to Declaration.

The properties which shall be declared under this Act are—

- (a) lands, houses and buildings;
- (b) farms;
- (c) concessions;
- (d) trust or family property in respect of which the officer has beneficial interest;
- (e) vehicles, plant and machinery, fishing boats, trawlers, generating plants;
- (f) business interests;
- (g) securities and bank balances;
- (h) bonds and treasury bills;
- (i) jewellery of the value of ₹5 million or above; objects of art of the value of ₹5 million or above;
- (j) life and other insurance policies;
- (k) such other properties as are specified on the declaration form.

Section 5-Assets Acquired after Declaration

Any property or assets required under section 1 of this Act to be declared, acquired by a public officer after the initial declaration and which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be regarded as acquired illegally.

Section 6-Declaration as Evidence.

A declaration made under this Act shall, on demand, be produced in evidence—

- (a) before a court of competent jurisdiction; or
- (b) before a commission of inquiry appointed under article 278 of the Constitution; or
- (c) before an investigator appointed by the Commissioner for Human Rights and Administrative Justice.

Section 7-Failure to Declare.

An officer required to declare his assets and liabilities under this Act who—

- (a) without reasonable excuse fails to declare; or
- (b) knowingly makes a false declaration contravenes this Part and shall be dealt with in accordance with section 8 of this Act.

Section 8-Complaints in Respect of Contravention.

(1) An allegation that a public officer has contravened or has not complied with a provision of Part I of this Act shall be made to the Commissioner for Human Rights and Administrative Justice and, in the case of the Commissioner for Human Rights and Administrative Justice, to the Chief Justice who shall, unless the person concerned makes a written admission of the contravention or non-compliance, cause the matter to be investigated.

(2) The Commissioner for Human Rights and Administrative Justice or the Chief Justice may take such action as he considers appropriate in respect of the results of the investigation or the admission.

Section 9-Disqualification to Hold Specified Public Offices.

(1) A person does not qualify to be appointed to any of the public offices specified in Schedule I to this Act if he is a person in respect of whom a commission of inquiry has found that, whilst holding a public office to which subsection (2) of this section applies, he—

- (a) acquired any assets unlawfully; or
- (b) defrauded the State; or
- (c) wilfully and dishonestly or corruptly acted in a manner prejudicial to the interest of the State; or
- (d) knowingly made a false declaration of his assets, properties or liabilities.

(2) The public office in relation to which the findings must have been made are as follows—

- (a) an office of State or government or an office in any capacity whatsoever, the emoluments, remuneration, or allowances attached to which are paid from the Consolidated Fund or any public fund provided by Government or by Parliament or under any Act of Parliament; or
- (b) an office in any statutory corporation or on any board or council established by or under any enactment; or
- (c) an office in a company wholly owned by the State.

(3) The disqualification mentioned under subsection (1) applies also to a person who is found not to have paid his taxes or not to have made arrangements satisfactory to the appropriate authority for the payment of his taxes.

Section 10-Effective Date of Disqualification under this Part.

Where a commission of inquiry makes an adverse finding against any person and a White Paper is published in respect of the findings, any adverse finding made which disqualifies a person to hold any of the public offices specified in Schedule I shall, subject to any appeal, not take effect unless six months have passed after the publication of the government's statement on the report.

Section 11-Disqualification Resulting from Criminal Conviction.

A person does not qualify to be appointed to any of the public offices specified in Schedule I to this Act if he has been convicted—

(a) for high crime under the Constitution or high treason or treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(b) for any other offence punishable by death or by a sentence of not less than ten years; or

(c) for an offence relating to or connected with elections under any law in force in Ghana.

Section 12-Dispensation.

(1) Notwithstanding the disqualifications provided in this Part, but subject to subsection (2) of this section, a person shall not be considered to be disqualified to hold the public office if—

(a) ten years or more have passed since the date of the publication of the White Paper on the report of the commission of inquiry; or

(b) he has been pardoned.

(2) The dispensation granted under subsection (1) of this section does not apply to a person seeking to hold office as President or Vice-President.

Section 13-Regulations.

The Auditor-General may by legislative instrument make such regulations as he considers necessary for the effective implementation of Part I of this Act.

Section 14-Interpretation.

In this Act unless the context otherwise requires—

"Armed Forces" means the Army, the Navy and the Air Force;

"assets" includes liabilities;

"commission" means a commission of inquiry or a committee of inquiry;

"office" means a public office;

"public office" includes an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament; except that for the purposes of declaration of assets under this Act it does not include the Armed Forces;

"public officer" means a person who holds a public office.

Section 15-Repeal.

The Public and Political Party Office Holders (Declaration of Assets and Eligibility) Law, 1992 (P.N.D.C.L. 280) is repealed.

Section 16-Saving and Transitional Provisions.

(1) A declaration of assets and liabilities made before the coming into force of this Act and in conformity with Chapter twenty-four of the Constitution shall continue in existence as if made under the corresponding provision of this Act and shall be subject to this Act.

(2) Notwithstanding section 1 (4) any public officer who is required under this Act to declare his assets and liabilities for the first time by virtue of inclusion of his office in Schedule I of this Act shall make the declaration within 6 months of the coming into force of this Act.